



IPW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/666,387	
	Filing Date	September 18, 2003	
	First Named Inventor	BRANDON, Dennis	
	Art Unit	3671	
	Examiner Name	Kovacs, Arpad F	
Total Number of Pages in This Submission	3	Attorney Docket Number	2826489-000006

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Response To Restriction Requirement; return-receipt postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Baker, Donelson, Bearman, Caldwell & Berkowitz, PC		
Signature			
Printed name	W. Edward Ramage		
Date	9/26/05	Reg. No.	50,810

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	W. Edward Ramage	Date	9/26/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No. 2826489.000006

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents,
P.O. Box 1450; Alexandria, VA 22313-1450 on
September 26, 2005.

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: BRANDON, Dennis : Paper No.:
Serial No.: 10/666,387 : Group Art Unit: 3671
Filing Date: September 18, 2003 : Examiner: KOVACS, Arpad F
For: **ADJUSTABLE SPINDLE ASSEMBLY FOR A GRASS TRIMMER**

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated August 26, 2005, the Examiner required restriction under 35 U.S.C. 121 between three asserted species of the claimed invention: Group 1 (represented by independent claim 20); Group 2 (represented by independent claim 26); and Group 3 (represented by independent claim 33). The Examiner required election of a single disclosed species for prosecution on the merits to which the claims would be restricted if no generic claim is finally held to be allowable, and noted that there was no generic claim.

Applicant elects Group 2 with traverse. Claims 26-32 are readable thereon. Applicant submits that it would not be unduly burdensome to include all disclosed variations of the spindle shaft assembly in a single application.

It is believed that this represents a complete response to the election and restriction requirement set forth in the Official Action, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



W. Edward Ramage, Reg. No. 50,810
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
Commerce Center, Suite 1000
211 Commerce Street
Nashville, Tennessee 37201
(615) 726-5771